

AGENDA
NATIONAL DRUG POLICY BOARD
FRIDAY, DECEMBER 18, 1987
10:00 A.M., ROOSEVELT ROOM
THE WHITE HOUSE

- I. Introductory Remarks (Chairman Meese)

- II. Discussion of Strategies and Policy Issues
 (Chairman Meese)

- III. New Business

FACT SHEET
NATIONAL DRUG POLICY BOARD
FRIDAY, DECEMBER 18, 1987
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I. Introductory Remarks (Chairman Meese)

II. Discussion of Strategies and Policy Issues
(Chairman Meese)

During the past several weeks, the nine Lead Agency Committees of the NDPB have presented their policies, strategies, implementation plans and resource requirements for FY88 and FY89. These presentations accompanied the written submissions from each Lead Agency Committee. Some policy issues were raised during the presentation. These issues will be discussed.

III. New Business

NDPB ISSUE PAPERS
NATIONAL DRUG POLICY BOARD
THURSDAY, DECEMBER 3, 1987
10:00 A.M., ROOSEVELT ROOM
THE WHITE HOUSE

1. Use of additional punitive measures against uncooperative foreign drug producing or transit countries.
2. Endorsement of increased contributions to UNFDAC.
3. Legislative proposal to provide U.S. Customs and the Coast Guard with the authority to use appropriate force.
4. Increased border security and its possible effects on the unimpeded flow of commerce into the U.S.
5. Establishment of a National Drug-Free America Week.
6. Mandatory drug testing of federal contractors in sensitive areas.
7. Increase in federally funded treatment slots.
8. Endorsement of research on the distribution of clean needles.
9. Mandatory drug testing for parolees and those on probation.

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NDPB ISSUE PAPER # 1

Issue: Should the NDPB endorse the use of additional punitive measures against uncooperative foreign drug producing or transit countries?

Discussion: As a matter of policy, the NDPB supports a firm and balanced approach toward drug-producing and drug-transit countries. The NDPB International strategy acknowledges the concept of employing the full range of inducements and/or sanctions available to the federal government to encourage foreign countries to support drug control activities. This policy would provide for the employment of incremental punitive steps by any or all departments to support our anti-drug efforts leading up to decertification of nations by the President.

The International Implementation Plan focuses on aerial eradication of drug-producing crops, mostly coca, as the principal effort overseas. Specific targets and goals of amounts for crop eradication have been proposed. The plan states that the success of this effort will rest on foreign cooperation.

(Note: Even with foreign cooperation another potential roadblock for the implementation of aerial eradication is the availability of a herbicide. The use of paraquat against marijuana in Mexico during the 1970's resulted in the Percy Amendment which forbid the of U.S. funds for paraquat spraying programs. In addition, the threat of environmental or health liability suits has inhibited chemical companies involvement. State Department expects this problem to be overcome in the near future.)

Last year, 24 countries met the "major illicit drug producing or transit country" criterion. Syria, Iran, Cuba, Afghanistan and Nicaragua were decertified with Laos and Lebanon receiving "national security" exemptions. In September 1987, Bolivia was decertified for failing to meet its eradication goal.

Examples of additional means short of decertification to encourage positive drug control activities could include:

- o restrictions on aircraft landing rights;
- o travel advisories for Americans traveling to uncooperative drug countries;
- o stricter visa requirements for foreign travelers from uncooperative drug countries;
- o more stringent inspections of foreign goods entering our country from uncooperative drug nations.

Option: The State Department, in conjunction with the Enforcement Coordinating Group, should identify a list of measures that could be utilized against uncooperative nations. Specific steps for recommended actions would be submitted to the NDPB for approval and implementation.

std can continue to develop the options + init.

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NDPB ISSUE PAPER #2

Issue: Should the NDPB endorse increased contributions to UNFDAC?

Discussion: The United States has for sometime, supported the majority of the costs of international drug control efforts. The State Department has actively sought greater commitment and contributions to the international effort from other developed, drug-consuming nations. In addition, there are several Lesser Developed Countries (LDC's) where bilateral U.S. efforts are not welcome but where multilateral assistance is acceptable. UNFDAC however, has been able to initiate successful programs in such areas, particularly India.

The increased commitment by the U.S. to a multilateral organization like UNFDAC would provide increased financial leverage to other nations contributions to international drug control efforts. Because many nations do not have the expertise or infrastructure to provide bilateral assistance, they currently contribute to UNFDAC. In fact, during the U.N. Conference on Drugs in Vienna several nations announced significant increases to their commitment led by Italy which pledged \$300 million. Recent USG contributions to UNFDAC have been: FY85 - \$2.7 million, FY86 - \$5 million, FY87 - \$3.8 million, and prospective FY88 - \$3.0 million.

Objections to increased contributions to UNFDAC include the potential for loss of financial control of the funds provided and that bilateral U.S. efforts offer more direct influence on the implementation of the programs. Also, there is the fact that the U.S. contributes to many multilateral organizations, such as the Organization of American States, Association of Southeast Asia, and the Colombo Plan.

Options:

- (A) Increase funding to UNFDAC by channeling United States government contributions for international drug control through UNFDAC with specific direction on the use of the funds.
- (B) Maintain current funding levels to UNFDAC and utilize bilateral agreements for directing United States government resources.

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NDPB ISSUE PAPER #3

Issue: Should the NDPB endorse a legislative proposal that would provide U.S. Customs and the Coast Guard with the authority to use appropriate force to compel airborne drug traffickers to comply with instructions to land their aircraft?

Discussion The Interdiction Implementation Plan sets forth a proposal which would provide the Customs Service and the Coast Guard the authority to use appropriate force compel a suspected smuggling aircraft to comply with instructions to proceed to a designated landing site. Such authority would authorize the firing of weapons as a warning and, if necessary, to fire into the aircraft to insure compliance.

Currently, smugglers are conducting air drops or brief landings to transfer narcotics to boats or vehicles. On most occasions, apprehension is not possible because the aircraft ignores orders to land the aircraft were directed and eludes arrest by returning to safe haven countries. As a result, the smugglers are able to operate with virtual immunity from apprehension.

Proposed guidelines for implementation would include criteria similar to those currently used for international maritime apprehensions, for example:

- o A public announcement to advise private aircraft operators who fly across our borders of the requirement to obey the instructions of U.S. law enforcement aircrews to land their aircraft wher directed. This announcement would further deliniate the use of force to ensure compliance;
- o A requirement to verify the aircraft as U.S. registered or a state-less aircraft observed dropping or transferring bundles (presumed to be narcotics or other contraband);
- o Stringent policies and procedures for exercising this authority with the firing of weapons to occur only when all other means of compelling compliance have been exhausted;
- o A requirement that the final authority to fire rest with a higher authority (outside the apprehending aircraft);
- o A requirement that the smuggling aircraft be over water prior to the use of any force.

The Department of Transportation and the FBI have objected to the implementation of such a policy. Transportation notes

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that the alleged illegal act falls well short of an imminent threat to national security or to the lives of law enforcement officers, and therefore does not justify actions which could result in the downing of an aircraft and/or death to the occupants. The FBI also objects noting that the use of potentially deadly force should be reserved for self defense and for defense of others, and that the use of force against aircraft exceeds existing standards.

Notwithstanding those objections, the State Department, the Department of Defense, as well as Customs and the Coast Guard have indicated their support noting that the very existence of the authority would be a major deterrent to smugglers and that the actual firing of weapons would be an extremely rare event.

The Enforcement Coordinating Group would be responsible for the preparation of an NDPB Policy Directive and the specific legislation for final NDPB approval.

Options

- (A) The NDPB supports this legislative proposal and directs the Interdiction Committee through the Enforcement Coordinating Group to finalize language for referral to OMB and eventually the Congress.
- (B) The NDPB does not support the use of appropriate force against airborne smugglers.

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NDPB ISSUE PAPER #4

Issue: Should the NDPB authorize increased border security measures to enhance the national drug effort, which may result in a reduction in the unimpeded flow of commerce into the U.S.?

Discussion: The Interdiction Implementation Plan includes the possible use of stringent anti-drug measures at ports of entry. The NDPB needs to clarify its policy for tightening the security on our borders with the potential adverse impact on the facilitation of transportation, commerce and travel across the borders. All of the heroin and cocaine and 80% of the marijuana in our country comes from outside U.S. borders.

In an effort to reduce the opportunity for smuggling narcotics into the country the Interdiction Implementation Plan offers a range of actions which would tighten security on our borders, such as:

- o Reducing the number of Ports of Entry designated to receive commercial shipments;
- o Requiring international mail to be processed at designated entry points;
- o Requiring the conveyances of source countries to report at designated Ports of Entry;
- o Requiring 100% examinations of all conveyances/containers arriving from source countries;
- o Requiring private vessels to report during daylight hours at designated locations for customs inspection;
- o Requiring the presentation of shipping documents at entry points.

(Note: These measures would be included in the range of potential sanctions against uncooperative nations as discussed in another issue paper.)

The potential ramifications of such an action may include an adverse impact on the cost and quality of mail service, and increased congestions or delays at entry points. In addition, our trading partners as well as U.S. importers will feel the effect of these actions. Finally, the impact on bilateral agreements would have to be considered.

Option: Due to the far reaching foreign policy implications affected by the sanction, the National Drug Policy Board, in conjunction with State and Treasury, would be responsible for coordinating the implementation of any proposed action after receiving NDPB approval.

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NDPB ISSUE PAPER #5

Issue: Should the NDPB endorse the establishment of a National Drug-Free America Week?

Discussion: National Drug-Free America Week has been proposed as an effective means of mobilizing the mainstream of America in the prevention and education effort.

Within our population, 180 million Americans are not users of illicit drugs. The purpose of the Drug-Free America Week would enlist drug free Americans into a national campaign to capture the attitude of "Zero Tolerance" toward illicit drugs. The campaign would follow the White House Conference and build on the release of their final report to make permanent one week of recommitment to the drug problem.

HHS will be responsible for organizing the week which will require national, state and local support. The event would serve as focal point for coordinated public and private sector activities to further the demand reduction message.

- o The activity would require considerable orchestration and bipartisan support on the national, regional, state, and local levels -- particularly from the private sector.
- o The campaign could be viewed as a "non event" and serve to weaken the strong stance the Administration has taken on both the demand and supply side.

Option:

- (A) The National Drug Policy Board supports the National Drug-Free America Week.
- (B) The National Drug Policy Board does not support the National Drug-Free America Week.

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NDPB ISSUE PAPER #6

Issue: Should the NDPB propose the mandatory drug testing of federal contractors in sensitive areas?

Discussion: Drug testing for Federal contractors in sensitive positions has been proposed to subject them to the same standards as the Federal workforce.

The President's 1986 initiative against the use of illegal drugs addressed the establishment of drug-free workplaces. An executive order to include federal contractors in the drug testing program was discussed at that time but it was not implemented.

Contractors working in sensitive areas are required to provide deliverables which are subject to the same standards of production and quality as those produced by the federal workforce. In fact, many contractors work alongside federal employees who are now subject to drug testing. Several agencies are already exploring ways to encourage contractors to test employees for illegal drugs in sensitive national security areas. Further, a number of contractor firms are already drug testing their employees on the grounds that drug testing promotes a productive and safe workplace and protects national security.

The previous decision to not require federal contractors to test was based on the concern that mandatory requirements by the federal government on contractors to test would potentially subject the program to unlawful search law suits. Conversely, contractors may require drug testing as a provision of employment with no adverse legal ramifications. However, since the previous decision a series of court cases have upheld drug testing as an appropriate tool when properly implemented.

In addition to the possibility of law suits against the government, monitoring and enforcing the requirement for drug testing could be costly and would be an additional cost to the government in existing or new contracts. Another potential reaction of requiring drug tests by contractors is a decline in competition for federal contracts as a result of contractor employees refusal to be tested.

DOJ would be responsible for the drafting and implementation of the initiative in conjunction with the agencies employing the federal contractors.

Option:

- (A) An Executive Order should be prepared to require mandatory drug testing for federal contractors in sensitive areas.
- (B) Drug testing by federal contractors should be encouraged through competitive incentives in the procurement process.

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NDPB ISSUE PAPER #7

Issue: Should the NDPB propose an increase in federally funded drug treatment slots?

Discussion: Expanding the number of drug treatment slots has been proposed to the NDPB. The use of mandatory treatment within the Prosecution and Treatment Implementation Plans has a direct impact on the availability of treatment slots. The NDPB needs to clarify the appropriate federal role in the provision of funds for drug treatment.

Claims of a shortage of available drug treatment facilities reflect the increase in the number of drug users seeking assistance as well as a potential conflict between the availability of federally funded treatment and state/local funded treatment facilities.

The growth in the use of cocaine has led to a drastic increase in the number of addicts with a corresponding increase in the need for effective treatment. Preliminary data indicates that more than one million Americans are disabled by cocaine. In addition, the threat of AIDS through IV drug use has increased the demand for treatment in many areas. Since 1981 the federal government has spent more than \$1.5 billion for various treatment and treatment-related programs. However, a lack of data precludes an understanding of the effectiveness of these programs in ensuring that an abuser remains drug-free once a treatment program has been completed.

Methadone maintenance remains the principal program for detoxification of heroin users. There is little information on the treatment of cocaine addiction although initial research with a new tricyclic antidepressant shows some promise.

Clarifying the federal role in treatment is necessary as it relates to the above problems and to the integration of the proposed Prosecution and Treatment Implementation Plans. The proposals for mandatory drug treatment for users arrested and/or parolees require a potential commitment by the federal government to provide the necessary resources to fulfill that goal.

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	<u>Federal</u>	<u>National</u>	<u>% of Total</u>
FY 1978			60%
FY 1987	38,113	250,000	15%
FY 1988	40,222	252,287	16%
FY 1989 OMB	50,495	262,382	19%
FY 1989 w/enhancements	148,113	360,000	41%#

*Source: National Institute of Drug Abuse

#Represents:	FY 1989 OMB Request	50,495	262,382
	+ Additional enhancements	<u>97,618</u>	<u>97,618</u>
		148,113	360,000

Options:

- (A) The National Drug Policy Board supports the Department of Health and Human Services proposed FY89 resource level for 50,495 treatment slots as submitted to OMB.
- (B) The National Drug Policy Board supports increasing the level of federally funded treatment slots to a level of 97,618 slots.

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NDPB ISSUE PAPER #8

Issue: Should the NDPB endorse the funding of research on distributing clean needles to IV drug abusers?

Discussion: The distribution of clean needles to IV drug users has been proposed to the NDPB for an area of research. The NDPB has not issued policy guidance on the subject of clean needles.

AIDS is spread among intravenous drug users through the sharing of contaminated needles and syringes which has resulted in the suggestion to distribute sterile needles by the government to drug users. The National Academy of Sciences and NIDA have suggested that the impact of making needles readily available should be assessed through research.

Data is not available regarding the effects of a free needle program to support the validity of the concept. In fact, the consequences of government distribution of clean needles are far-reaching, including -- the endorsement of IV drug use; the facilitation of additional IV drug users with free needles; or, the liability for the contraction of AIDS by a government distributed needle.

Amsterdam has had a clean needle distribution program in effect for one year. While it is too early to tell if the "needle exchange" program has slowed the spread of the AIDS virus, preliminary claims are the distribution of clean needles does not entice people into IV drug use and does dramatically cut the rate of needle-sharing among addicts.

Another approach currently supported by NIDA to reduce the shared use of contaminated needles is to inform abusers about the steps they can take to sterilize their injection paraphernalia. NIDA is supporting demonstration and other research to assess the effectiveness of programs that provide information on needle cleaning procedures.

Option:

- (A) The National Drug Policy Board supports the concept and HHS/NIDA would be responsible for conducting research and for the eventual implementation of a clean needle distribution program.
- (B) The National Drug Policy Board does not support a policy of distributing clean needles to I.V. drug users through federally funded research or demonstration projects.

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NDPB ISSUE PAPER #9

Issue: Should the NDPB endorse a policy of mandatory drug testing for drug users paroled or on probation?

Discussion: Studies by the National Institute of Justice indicate that drug abusing offenders account for a disproportionate share of all crime. There is growing evidence that criminal justice referral of offenders to drug abuse treatment programs, often accompanied by urine monitoring, can result in persons remaining longer in treatment and in a reduction of both drug use and crime.

- o Early detection and treatment of young offenders would reduce the number of addicts who might progress to more extensive drug use, particularly for the individual who is a candidate for a Pre-Trial Diversion program. Also, since a Pre-Trial Diversion is a contractual document which must be agreed to by the defendant, there should be no constitutional problems in enforcing whatever terms and conditions are agreed upon.
- o Referrals to the treatment community would reduce overburdening of correctional facilities.

Option: The NDPB endorses the linkage of expanded treatment slots being linked to the criminal justice system diversion programs.